an emergency in depriving a person of time for calculated consideration is the same whether he be the one in danger or the one whose duty it is to avoid the threatened injury. The principal case correctly holds that the law of negligence does not and should not require mathematical accuracy or conduct of exact calculation in emergencies whatever the relation of the person to the event. See *Wise Ter. Co. v. McCormick* (1905) 104 Va. 400, 414, 51 S. E. 731, 736.

NEGLIGENCE—ASSUMPTION OF RISK—VOLUNTEER REMOVING ELECTRIC WIRE FROM PUBLIC STREET.—A broken telephone wire of the defendant company became charged with electricity by contact with a wire of the city lighting system. The plaintiff's decedent, a volunteer, received a fatal shock while attempting to remove the broken wire from the street in order to avert possible injury to passers-by. His administratrix sued the defendant for negligently causing his death. Judgment was rendered for the plaintiff. *Held,* that the judgment was correct. Hamer, J., *dissenting. Workman v. Lincoln Tel. & Tel. Co.* (1918, Neb.) 166 N. W. 550.

The defendant's negligence being established by the verdict of the jury, the decision turns upon the effect of the plaintiff's assumption of risk. In actions of this type assumption of risk will bar recovery unless sufficient justification is found for the plaintiff's assuming it. Protection of one's own property is held to be such a justification; as where one was injured in attempting to remove a sputtering wire which endangered his property. *Leavenworth Coal Co. v. Ratchford* (1897) 5 Kan. App. 150, 48 Pac. 927. But this principle does not apply where it was not the wire which brought danger to the property, but the location of the property, or the owner's desire to make a given use of it, which brought the plaintiff into danger. *State v. Chesapeake & Potomac Tel. Co.* (1914) 123 Md. 120, 91 Atl. 149 (climbing telegraph pole to rescue a pet cat); *Hickok v. Auburn Light, etc., Co.* (1911) 200 N. Y. 464, 93 N. E. 1113 (climbing pole to put new bulb into a light). Under certain conditions the plaintiff can also find justification in his intention to prevent injury to persons. So with a foreman, not employed by the defendant, killed while attempting by removal of the defendant's dangling live wire to prevent possible injury to his fellow-workers. *New England Tel. & Tel. Co. v. Moore* (1910, C. C. A. 1st) 179 Fed. 364. So also with a policeman, whose duty it is to protect the public. *Bourget v. Cambridge* (1892) 156 Mass. 391, 31 N. E. 390; *Dillon v. Allegheny, etc., Co.* (1897) 179 Pa. 482, 36 Atl. 164. The principal case is novel in that it seems to be the first in which recovery was allowed in the given situation for injuries sustained by an ordinary member of the public, acting only from public spirit. With this principle the dissenting opinion may perhaps be reconciled, and the dissent rested on the ground that the decedent was not reasonably prudent in his choice of means. Of course recovery is properly barred where the risk is taken in acts which have no reasonable relation to the protection of property or persons, such as touching wires to show that they are harmless. *Carroll v. Grande Ronde Electric Co.* (1906) 47 Ore. 424, 84 Pac. 389; *Anderson v. Jersey City Electric Co.* (1900, Ct. Err.) 64 N. J. L. 664, 46 Atl. 593. And it may be suggested that the evil sought to be avoided might be required to bear some proportion to the apparent risk. For a further note on the liability of tort feasors to volunteers, see 27 YALE LAW JOURNAL, 415.

REMOVAL OF CAUSES—RESIDENCE OF PARTIES—PLAINTIFF A RESIDENT OF STATE BUT NOT OF DISTRICT IN WHICH SUIT IS BROUGHT.—Two citizens of Alabama, one residing in the Middle District and the other in the Southern District, sued a Louisiana corporation in a state court in the Southern District of Alabama. *Held,* that the defendant might remove the cause to the federal district court